

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 ANKARA 000866

SIPDIS

DEPT FOR EB/ DEPT FOR EB/TPP/MTA/IPC, EUR/SE  
DEPT PASS LIBRARY OF CONGRESS  
DEPT PASS USPTO FOR ELAINE WU/MICHAEL SMITH  
USDOC FOR ITA/MAC/DDEFALCO  
DEPT PLEASE PASS USTR FOR LERRION/BPECK  
TREASURY FOR OASIA - MILLS AND LECHTER

SENSITIVE

E.O. 12958: N/A  
TAGS: [ETRD](#) [KIPR](#) [TU](#)  
SUBJECT: Strengthened IPR Law On The Way

Ref: 2003 Ankara 7792 and previous

Sensitive But Unclassified. Please handle accordingly.

Summary

-----

1. (SBU) Culture Ministry Copyrights Deputy Director General Gunay Gormez told us the GOT was moving ahead with new anti-piracy legislation, which the Ministry submitted to the Council of Ministers last week. Gormez expected the Parliament to pass the legislation soon and without changes. Gormez said the legislation would ban street sales of all copyright products and authorize all law enforcement units to make seizures. Gormez told us the industry, having contributed to the preparation of the legislation, was fully content with it. However, one film industry representative told us that some provisions, including reduced penalties, were not helpful. End Summary.

2. (U) In a January 29 meeting, Culture Ministry Copyrights Deputy Director General Gunay Gormez and Copyrights Expert Ozlem Abacioglu briefed Econoff and Econ Specialist about the status of draft anti-piracy legislation. Gormez said the Culture Minister was personally interested in the legislation, and had recently sent it to the Prime Ministry for interagency clearances. Gormez expects the Prime Ministry to submit the bill to Parliament quickly, with a vote likely in coming weeks.

3. (U) Gormez said this was a model law addressing all the deficiencies in the previous legislation. The draft law would ban street sales of both pirated and legitimate copyright material. It also authorizes all law enforcement agencies to enforce this legislation; currently, only the police force has this power. Gormez said another important provision is reduced penalties for piracy. Gormez explained that the penalties in the existing legislation are so severe that judges have avoided applying the copyright law. The new legislation imposes a TL 5 to 50 billion (USD 3,500 to 35,000) cash penalty or 3 months to 2 years imprisonment or both for the street sale of pirated material. The legislation also imposes a TL 3 billion (USD 2,000) cash penalty on the street sale of legitimate copyright products with banderoles. The Culture Ministry would be authorized to collect any copyright material sold on the streets. The existing legislation imposes a TL 50 to 150 billion (USD 35,000 to 110,000) cash penalty and 4 to 6 years of imprisonment for copyright violations, and does not address street sales of legitimate copyright products with banderoles.

4. (U) Gormez said the intellectual property industries and the collective societies were fully content with the new legislation. Gormez said the hotel and restaurant industries had problems with the earlier version of the draft legislation, which called for a compulsory arbitration and mediation mechanism for tariff/royalty disputes. Taking their input into account, the Ministry introduced a voluntary mediation mechanism in the new draft. A Mediation Board with five members (one from the Culture Ministry, two from the Competition Authority, one from the users and one from the related collective society) will be established to resolve disputes, upon demand from users.

5. (U) Gormez said the new legislation also addressed

internet copyright violations. Gormez told us the new legislation holds information content providers and internet service providers responsible for the internet use of copyright material. In case of a copyright violation, the rightholder will be required to warn the content provider to stop display of the material on the internet. If the content provider fails to take action, the rightholder will then apply to the prosecutor's office with a demand for the service provider to cut the content provider's service. Gormez stressed that the Ministry took the U.S. Digital Millennium Copyright Act as a model in preparing this legislation and thought the new measures would address most copyright violations on the internet.

16. (SBU) Representatives of copyright-based industries have told us that the Culture Ministry has made a real effort to consult with them on the draft law, but not all would agree with Gormez' assertion that they are completely happy with all the bill's provisions. Nilufer Sapancilar, Director General of AMPEC (representing some U.S. motion picture companies), opined that the draft law was generally good, with the exception of provisions reducing criminal penalties. AMPEC is also wary of some changes in the enforcement structure, such as the possibility of a diminished role for the provincial inspection commissions.  
EDELMAN